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TO:	Commissioner for Patents	FROM:	George H. Gates
	Attn: Examiner Sharad K. Rampuria	OUR REF.:	G&C 139.136-US-U1
	Patent Examining Corps	TELEPHONE:	(310) 642-4146
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	Alexandria, VA 22313-1450		

Total pages, including cover letter: 5

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Title of Document Transmitted:	TRANSMITTAL DOCUMENTS (2) AND PETITION UNDER 37 C.F.R. §1.181
Applicant	William C. Y. Lee et al.
Serial No.:	09/625,626
Filed:	July 26, 2000
Group Art Unit:	2617
Title:	NETWORK ENGINEERING IN A WIRELESS NETWORK
Our Ref. No.:	G&C 139.136-US-U1

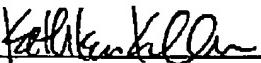
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By: 

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Title: NETWORK ENGINEERING IN A WIRELESS NETWORK

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on October 16, 2006.

By: 
Name: George H. Gates

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

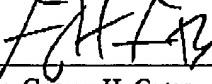
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 Petition Under 37 C.F.R. §1.181.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

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Customer Number 22462
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Los Angeles, CA 90045
(310) 641-8797

By: 
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Alexandria, VA 22313-1450

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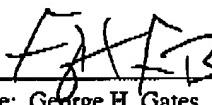
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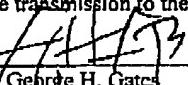
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RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 2617

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By: 
Name: George H. Gates

PETITION UNDER 37 C.F.R. §1.181

BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being submitted in accordance with M.P.E.P. §706.07(c) to invoke the supervisory authority of the Commissioner under 37 C.F.R. §1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

Applicants' attorney requests a review of the final rejection made in an Office Action dated August 21, 2006 for the above-identified patent application. This Petition is being submitted in response to the Office Action.

The 35 U.S.C. § 103(a) rejections in the Office Action were made final, even though the rejections of the Office Action were based on a reference (U.S. Patent No. 6,091,788; Keskitalo) that was not cited in a previous Office Action on the application. The Examiner asserted that the previously submitted amendments to the claims necessitated the new grounds of rejection.

Applicants' attorney disagrees.

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The previously submitted amendments to the claims merely amended the independent claims to incorporate limitations from the dependent claims. Specifically, independent claim 1 was amended to incorporate the limitations of dependent claim 12, and independent claim 16 was amended to incorporate the limitations of dependent claim 27.

The amendments and arguments made in response to the first Office Action should reasonably have been expected by the Examiner, since the subject of the amendments were part of the specification and, more importantly, part of the claimed subject matter, of the application as originally filed. See M.P.E.P. §§ 706.07(a) and 904 et seq.

As such, it is respectfully submitted that the rejections should not be made final because the rejections of the second Office Action include rejections made on prior art not of record, and consist solely of included limitations which should reasonably have been expected to be claimed. As a result, it is erroneous, as a matter of law, to state that the Applicants' amendments were not reasonably expected by the Examiner and therefore necessitated the new grounds of rejection. Consequently, the final rejection was premature, and Applicants' attorney respectfully requests its withdrawal.

This Petition is being submitted by facsimile, and thus Applicant requests that any required Petition fees be charged to the Deposit Account No. 50-494 (Gates & Cooper LLP). Any other fees should be charged to Deposit Account No. 50-0494 as well.

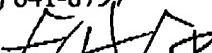
Respectfully submitted,

William C. Y. Lee et al.

By their attorneys,

GATES & COOPER LLP

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Dated: October 16, 2006
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Registration No.: 33,500